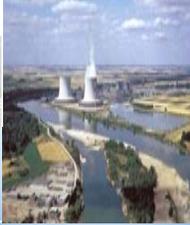


# *Operator Licensing*

## *Medical Issues*

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# *Discussion Topics*

- Introduction
- Licensing Requirements & Guidelines
- Enforcement – Regulations & Policy
- Examples & Lessons Learned
- Current Medical Concerns/Issues
- Summary





# *Introduction*

- Why do we stress medical requirements?
  - Operators are the 1<sup>st</sup> line of defense
  - Must be physically & mentally fit to . . .
    1. Timely & accurately identify problems
    2. Effectively make sound decisions and take appropriate actions
    3. Safely mitigate plant events
    4. Safely operate the plant to assure public health & safety

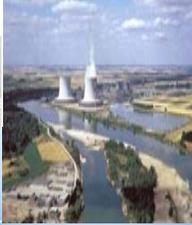




# *Introduction*

- How do we do this?
  - Regulations & guidelines
  - Licensees' commitment to safety





# *Regulatory Requirements & Guidelines*

- 10 CFR 55.21 – med exams 24 months
- 10 CFR 55.25 – disability or illness
- 10 CFR 55.27 – documentation
- 10 CFR 50.74(c) – 30 day report
- 10 CFR 55.33(a)(1) – health
- 10 CFR 55.53 – license conditions
- 10 CFR 26 – fitness for duty
- ANSI/ANS 3.4 – medical cert & monitoring





# Regulatory Requirements & Guidelines

- Medical Exam Periodicity (§ 55.21)
  - 2 years (24 months)
  - No grace period (i.e., no  $\pm 25\%$ )
  - Good till the end of the anniversary month to schedule and complete the medical examination (e.g., last biennial exam 1/10/05 need to complete next exam by 1/31/07)
  - Medical exam is complete once the Doctor examines the patient and signs the test records





# *Regulatory Requirements & Guidelines*

- Disability or illness (§ 55.25 & 50.74)
  - What is permanent or temporary
  - No formal definition of “permanent disability”
  - Potential conditions affecting safe operations
  - Notify NRC within 30 days
  - Questionable conditions, disabilities, and incapacities – prudent to report it to NRC



# Regulatory Requirements & Guidelines



- Documentation (§ 55.27)
  - Requires medical records be kept and maintained by the facility licensee
  - Includes medical qualifications data, test results, and each operators' medical history
  - Available for NRC review, upon request





# *Regulatory Requirements & Guidelines*

- Operators' Health (§ 55.33(a)(1))
  - The applicants medical condition and general health will not adversely affect the performance of assigned operator job duties or cause operational errors endangering public health and safety.
  - If an applicant can not meet the minimum standards, NRC may approve a conditional license per 10 CFR 55.33 (b).





# *Regulatory Requirements & Guidelines*

- License Conditions (§ 55.53)
  - (d) The licensee is subject to, and the licensee shall observe, all applicable rules, regulations, and orders of the Commission.
  - (g) The licensee shall notify the Commission within 30 days about a conviction for a felony.
  - (i) The licensee shall have a biennial medical examination.





# *Regulatory Requirements & Guidelines*

- License Conditions (§ 55.53(j))
  - The licensee shall not consume or ingest alcoholic beverages within the protected area.
  - The licensee shall not use, possess, or sell illegal drugs.
  - The licensee shall not perform activities authorized by a license under the influence of alcohol or any prescription, over-the-counter, or illegal substance that could adversely affect his or her ability to safely and competently perform his or her licensed duties.

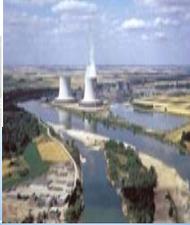




# Regulatory Requirements & Guidelines

- License Conditions and FFD (§ 26)
  - 55.53 (j) states, with respect to alcoholic beverages and drugs, under the influence means a confirmed positive test per Part 26
  - 55.53 (k) states, that each licensee must participate in the drugs and alcohol testing programs pursuant to Part 26





# ANSI/ANS 3.4

*Two versions – 1983 & 1996*

- Medical certification and monitoring
- Disqualifying conditions – medical or psychological condition that precludes approval for operator licensing
- Minimum requirements for medical qualification



# *Enforcement*



- NRC Enforcement Policy – background
- 10 CFR 55.61, modification and revocation of licenses
- 10 CFR 50.9, complete and accurate information to the NRC
- 10 CFR 55.9, complete and accurate information to the NRC





# *Enforcement Policy*

- NRC enforcement actions
  - Against facility(50) or individual (55) licensees
  - Where conduct of the individual places in question the NRC's assurance that licensed activities will be properly conducted
  - May be taken for matters that raises issues of integrity, competence, FFD, or other matters that may not necessarily be a violation of specific Commission requirements
  - Reviewed on case-by-case basis with OE, OGC, NRR, and Regions





# *Enforcement Policy*

- Possible enforcement actions
  - ROP findings (Green, White, Yellow, Red)
  - Non-ROP findings (traditional enforcement)
    - Level I, II, III & IV violations
    - Level III and above - civil penalties
  - Orders suspending, modifying, or revoking a license





## *IX. Inaccurate and Incomplete Information*

- Violation of regulation 10 CFR 50.9 involving the submittal of incomplete and/or inaccurate information, whether or not considered a material false statement, can result in the full range of enforcement sanctions.
- Level I, II, III, or IV violations, and with/without civil penalties
- Willfulness – most egregious





## *IX. Inaccurate and Incomplete Information*

- If the licensee corrected the information, the decision to issue a NOV will depend on:
  - The circumstances
  - Ease of detection of the error
  - The timeliness of the correction
  - NRC or licensee identified the problem with the communication
  - Whether the NRC relied on the information prior to correction





## *IX. Inaccurate and Incomplete Information*

- Furthermore, if the misinformation is identified after the NRC relies on it, or after some question is raised regarding the accuracy of the information, then some enforcement action normally will be taken even if it is in fact corrected.
- Also, an unintentional misinformation may be treated as a more severe matter if the licensee later determines the initial submittal was in error and does not correct it or if there were clear opportunities to identify the error.





## *IX. Inaccurate and Incomplete Information*

- In serious cases where the licensee's actions in not correcting or providing information raise questions about its commitment to safety or its fundamental trustworthiness, the Commission may exercise its authority to issue orders modifying, suspending, or revoking the license.
- This applies to both 50 and 55 licensees per 10 CFR 55.61, 50.9, and 55.9.





## *Examples/Lessons Learned*

- Failure to identify an operator who had a heart attack and a new license issued without any medical restriction - Level III violation
- Failure to report a myocardial infarction experienced in 1996, license was renewed, NRC identified in 2004 - Level III violation
- Failure to report two operators with chronic pulmonary disease another needing corrective lenses back in '02 & '04, NRC identified in 2005 - Level III violation

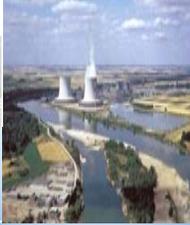




## *Examples/Lessons Learned*

- Failure to identify the need for prescribed medication restriction
- Failure to identify corrective lenses restriction - distance and near vision
- Failure to perform all required medical testing - tactile and smell





## *Examples/Lessons Learned*

- Operators not informing facility of medical condition changes
- Lack of communications between facility organization and management
- Lack of understanding ANSI requirements
- Lack of attention to details regarding use of forms and maintaining records
- Lack of understanding the regulations

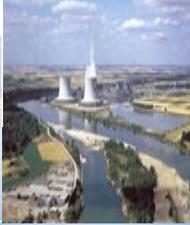




## *Current Medical Concerns/Issues*

- Positive FFD test for illegal drugs or alcohol - Level III violation against Part 55 licensee
- Driving Under the Influence (DUI) arrests resulting in medical follow up with respect to alcoholism
- Medical condition involving alcohol may not be satisfactory for licensing could result in restriction placed on license to preclude individual from all licensed duties





# Summary

- Internal communications
  - Operators responsible to notify medical changes to their management
  - Management need to know what and why they are signing license applications
  - Communicate with each other (operators, medical, training, licensing/regulatory assurance, management)
- If in doubt, call your NRC regional contacts

